

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SCOTT MILLER, an individual, MICHAEL  
SPAULDING, an individual,

Plaintiffs,

v.

KSHAMA SAWANT, an individual. CITY OF  
SEATTLE, a municipal corporation,

Defendant.

NO. 2:18-cv-00506-MJP

SECOND AMENDED COMPLAINT AND  
JURY DEMAND

**INTRODUCTION**

1. This was never intended to be a complaint against the City of Seattle or its City Council. The officers never wanted public money. This was intended to be a Complaint against one individual who, acting in her own capacity and only on her own behalf they believed, defamed two good men.

2. Police officers, Scott Miller and Michael Spaulding, had their reputations ruined by an ambitious politician, doing so for personal gain.

3. However, the City of Seattle has now stepped forward and made it clear that Defendant Sawant was actually acting within her scope and discharging her duties as a city council person when she slandered the Officers.

SECOND AMENDED COMPLAINT AND JURY DEMAND – 1  
(2:18-cv-00506-MJP)

**Williams, Kastner & Gibbs PLLC**  
601 Union Street, Suite 4100  
Seattle, Washington 98101-2380  
(206) 628-6600



1 14. Plaintiff, Michael Spaulding, is an individual residing in King County.

2 15. Defendant, Kshama Sawant, is an individual residing in King County.

3 16. Defendant, the City of Seattle, is a municipal corporation in King County.

4 **JURISDICTION AND VENUE**

5 17. This Court has original jurisdiction over claims brought under 42 U.S.C. § 1983  
6 and 28 U.S.C. § 1331. This Court has supplemental jurisdiction over state law claims arising  
7 out of the same nucleus of operative facts under 28 U.S.C. § 1367.

8 18. Venue is properly located in the Western District of Washington under 28  
9 U.S.C. § 1391(b), as the incidents complained of in this Complaint occurred in King County,  
10 Washington, and all of the defendants are residents of King County, Washington.

11 **FACTUAL BACKGROUND**

12 The Defendants

13 19. Defendant, Kshama Sawant, is a well-known local figure, with national  
14 ambitions.

15 20. She has been criticized for using City of Seattle resources to play to her base  
16 and inject herself into national politics.

17 21. She made headlines, for example, when she used her platform to advocate  
18 “shutting down” the presidential inauguration.

19 22. Sawant brands herself as counter-cultural and denies being part of “the system.”

20 23. According to her various public statements and website, she is a “voice for  
21 working people.”

22 24. Sawant, therefore, holds significant credibility with the public, particularly in  
23 the Seattle metropolitan area. People assume that when she speaks, even when expressing  
24 opinion, it is based upon facts made available to her by virtue of her leadership position, role in  
25 Seattle, and socialist folk-hero status.





1           47.     The crowd can be heard acknowledging and accepting the statements.

2           48.     In making these public statements about two private citizens, who did  
3 everything right:

- 4                 a.   Sawant never attempted to speak to the officers about the event;  
5                 b.   Sawant never attempted to speak to the officers' counsel about the event;  
6                 c.   Sawant never attempted to speak to any of the eyewitnesses about the event;  
7                 d.   Sawant has no formal police training or expertise;  
8                 e.   Sawant has no background in law enforcement;  
9                 f.   Sawant did not wait for an internal investigation to be completed; and  
10                g.   Sawant did not wait for a neutral and contested inquest to occur.

11          49.     What is more, at the time, it was known that Che Taylor had a violent criminal  
12 history, was armed, was reaching for his gun, and a video of the encounter had been released to  
13 the public.

14          50.     This was ignored or disregarded by Sawant.

15          51.     The statements were not in any way qualified or couched as opinion.

16          52.     Sawant did not acknowledge that the investigation was ongoing.

17          53.     She, instead, tried and convicted the officers herself in the court of public  
18 opinion.

19          54.     On information and belief, Sawant reiterated the above-statements publicly  
20 again on June 20, 2017 beginning at around 6:40 p.m. when she stated to a crowd of public  
21 gathered on the streets of Seattle claiming there can be no justice for anyone of color as there  
22 was no justice for Che Taylor. In fact, at that time, she proclaimed again that Che Taylor "was  
23 murdered by the police" after emphasizing that because he was "black" there would be no  
24 justice clearly implicated again her prior statements that his death was racially motivated.  
25

1           55.     The officers believe that through civil discovery—which Sawant frenetically  
2 stonewalled and sought secrecy orders in relation to, in Superior Court—will uncover a pattern  
3 of culpable conduct and further defamatory statements that she made with regards to them and  
4 the incident involving Che Taylor’s death.

5           56.     As to the inquest, it took place approximately a year after the shooting.

6           57.     It was convened by the King County prosecutor, overseen by a respected judge,  
7 and contested by Che Taylor’s family lawyer.

8           58.     An impartial jury cleared the officers of wrongdoing.

9           59.     In addition, the City’s Force Investigation Team (FIT) performed an  
10 investigation, in which the Office of Professional Accountability (OPA), participated and were  
11 present throughout.

12          60.     Findings were issued clearing the officers.

13          61.     FIT’s findings were then reviewed by City’s Firearms Review Board (FRB).  
14 OPA, as a standing part of the FRB, participated.

15          62.     The officers were cleared again.

16          63.     The SPD also confirmed that the officers’ conduct was within policy.

17                               Request for Retraction

18          64.     The officers requested that Sawant retract her statements.

19          65.     Sawant did not even bother to respond to or acknowledge their request.

20                               Impact On the Officers

21          66.     With the political firestorm created when Sawant—purportedly speaking with  
22 factual authority—publicly called the officers racist murderers, the officers’ lives were turned  
23 upside down.

24          67.     The fairness of the inquest hearing was implicated by the defamation.



1 79. Nor would anybody explain why this was occurring, or on whose orders.

2 80. As a consequence, the officers were personally sued by the family of Che  
3 Taylor.

4 **JURY DEMAND**

5 The officers demand a jury on all issues so triable.

6 **CAUSES OF ACTION**

7 Defamation and Defamation Per Se

8 81. Plaintiffs incorporate all of the above-allegations as if stated herein in full.

9 82. Defendant Sawant defamed Plaintiffs by stating and publishing harmful and  
10 damaging statements.

11 83. Defendant Sawant was acting in her capacity as an employee of the City of  
12 Seattle.

13 84. The statements are false and unprivileged.

14 85. Because the statements assert criminal conduct and embrace plaintiffs' job and  
15 business, this constitutes defamation per se.

16 86. The statements have not been retracted.

17 87. The conduct proximately caused harm.

18 88. Plaintiffs suffered damage in an amount to be proven at trial.

19 Federal Defamation

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21 90. Defendant Sawant defamed Plaintiffs by stating and publishing harmful and  
22 damaging statements.

23 91. The statements are false and unprivileged.

24 92. Because the statements assert criminal conduct and embrace plaintiffs' job and  
25 business, this constitutes defamation per se.

93. The statements have not been retracted.

94. The defamation proximately caused harm which implicated federal rights; including without limit, the officers' right to an impartial jury at their inquest and public employment.

95. Plaintiffs suffered damage in an amount to be proven at trial.

96. The conduct was both the product of City policy, and subsequently ratified by the City.

97. Furthermore, on information and belief, the City has no policies bounding the discretion of its high-level decision-makers to defame their subordinates, nor mechanisms for reviewing the conduct.

98. Accordingly, Defendant Sawant's statements—by virtue of her own words—constitute conduct by a final policy-making authority.

## Retaliation

99. The officers have a right to petition the courts under the First Amendment to the United States Constitution.

100. They exercised that right when they brought suit against Sawant in King County Superior Court, and indicated that they may be forced to file suit against the City of Seattle.

101. In retaliation for that free speech, the City—through OPA, which reports to the City Council and Sawant—re-opened a closed investigation into the officers.

102. This conduct by the City and Sawant proximately caused harm to the officers in an amount to be proven at trial.

## Outrage

103. By virtue of the facts set forth above, the Defendants are liable for the common law tort of outrage under Washington law.

**RELIEF REQUESTED**

Plaintiffs pray the following relief:

- A. Damages in an amount to be proven at trial;
- B. Punitive damages;
- C. Attorneys' fees and costs as permitted by 42 U.S.C. § 1988 and equity;
- D. All other relief the Court deems just and proper.

DATED this 5<sup>th</sup> day of October, 2018.

s/ Daniel A. Brown

Daniel A. Brown, WSBA #22028  
Attorneys for Plaintiffs Miller and Spaulding  
WILLIAMS, KASTNER & GIBBS PLLC  
601 Union Street, Suite 4100  
Seattle, WA 98101-2380  
dbrown@williamskastner.com  
Telephone: (206) 628-6600  
Fax: (206) 628-6611  
Email: [dbrown@williamskastner.com](mailto:dbrown@williamskastner.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on October 5, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all CM/ECF participants.

s/ Daniel A. Brown  
Daniel A. Brown, WSBA #22028  
WILLIAMS, KASTNER & GIBBS PLLC  
601 Union Street, Suite 4100  
Seattle, WA 98101-2380  
Telephone: (206) 628-6600  
Fax: (206) 628-6611  
Email: dbrown@williamskastner.com  
Attorneys for Plaintiffs Miller and Spaulding